

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**MARYLAND MANOR ASSOCIATES, §
ET AL. §
§
VS. § CIVIL ACTION NO. H-10-1736
§
CITY OF HOUSTON, TEXAS § JURY TRIAL DEMANDED**

**DEFENDANT CITY OF HOUSTON, TEXAS'
RULE 12(e) MOTION FOR MORE DEFINITE STATEMENT**

COMES NOW, Defendant City of Houston, Texas' (Houston) Rule 12 (e) Motion for More Definite Statement and would show the following:

1. Houston files this request because it believes there may be a statute of limitations defense but because the Plaintiffs' statement of facts is unclear, Houston requests this clarification.
2. Plaintiffs' Original Petition (DE# 1-1, page 7 of 43, third un-numbered paragraph) admits that the total 184 P.M. peak hour trips onto and off of the Bissonnet right of way aspect is the same for the original July 30, 2007 permit application through the revised permit application filed on April 7, 2009 at issue. Plaintiffs admit that during the first few permit application submittals and re-submittals, only the Section 40-86 approval was withheld. DE# 1-1, page 7 of 43, fourth un-numbered para. Houston requests Plaintiffs clarify their facts to indicate when the events occurred and which permit(s) denied is/are the subject of their petition.
3. Houston requests this Court order Plaintiffs to state with which application permit submittal(s) was/were denied the Section 40-86 approval.
4. Houston requests this Court order Plaintiffs to state when the application permit submittal(s) was/were denied the Section 40-86 approval.

WHEREFORE, PREMISES CONSIDERED, Defendant The City of Houston, Texas, prays that the Court requires the Plaintiffs to file a more definite statement.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This pleading was served in compliance with the Federal Rules of Civil Procedure on the 13th day of **May**, 2010.

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